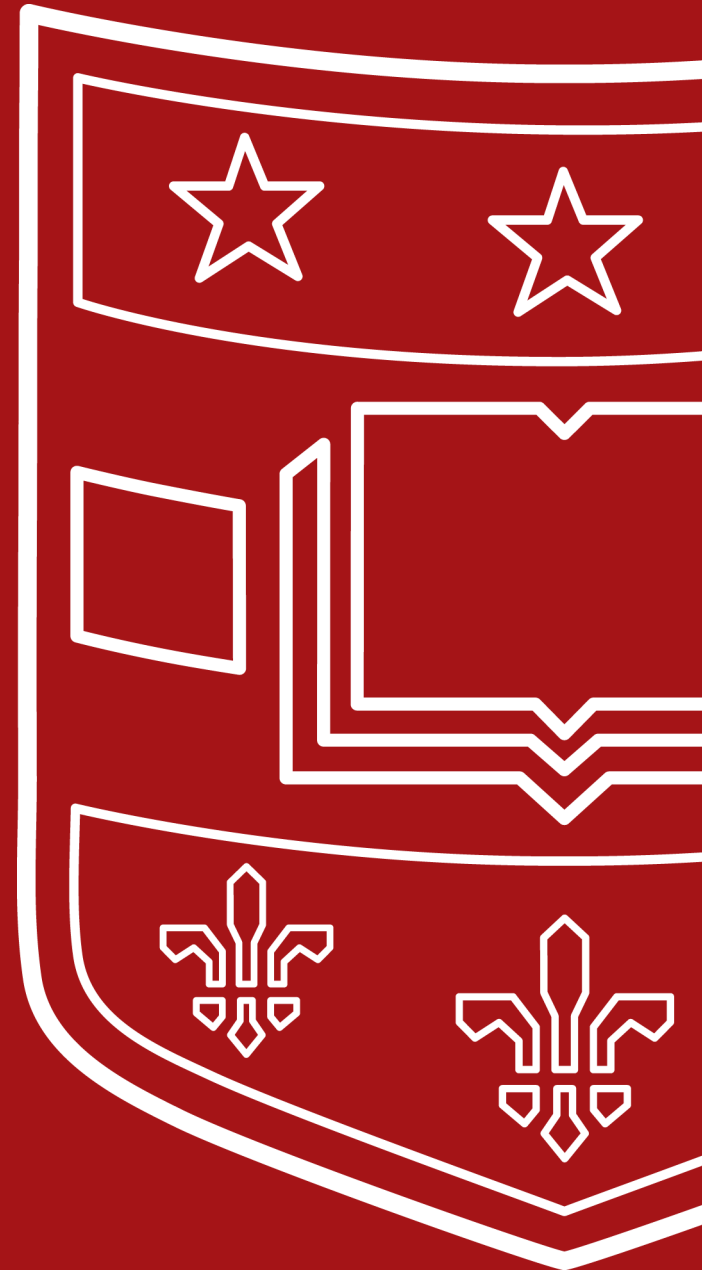


# FERPA

Family Education Rights and Privacy Act





# Background & Basics

- Federal legislation passed in 1974 and since amended
- AKA the Buckley Amendment; the Solomon Amendment is also related
- Designed to protect students' privacy and access to their education records
- Defines “directory” (public) and non-directory information and disclosure protections
- Framework of student rights and institutional responsibilities

# Under FERPA, Students May



- Inspect and review their education records
- Request an amendment of their records to ensure they are not inaccurate, misleading or otherwise in violation of privacy or other rights
- Consent to release or request to restrict disclosure of personally identifiable information contained in their education records, except under certain limited circumstances when, by law, consent is not required
- File a complaint with the US Department of Education concerning alleged failures by Washington University to comply with FERPA requirements

# Under FERPA, Institutions Must



- Define “directory” information within limits established by legislation
- Provide students the opportunity and mechanism to opt out of/restrict release of directory information (i.e. “FERPA block” or “FERPA invoke”)
- Only release non-directory information with a signed and dated consent form from the student, or within legal requirements to do so (e.g. accreditation, subpoena), or to a “school official” with a “legitimate educational interest” in the information
- Notify students of institutional FERPA policy annually

# FERPA is *not*



- A data security or retention regulation – no provisions exist for how or how long data is stored
- A mechanism to appeal grades or amend/alter unfavorable records
- An excuse not to engage with third parties or other officials on campus
- The only law or policy that governs access to and release of student data (HIPAA, GDPR)
- Exclusively a post-secondary education regulation

# FERPA applies to whom?



To any person who has registered for classes at an “educational institution” that “receives funds under any program administered by the Secretary [of Education]”

Differently to students at post-secondary institutions:  
rights transition from parents to student upon  
collegiate registration **regardless of age**

From registration until the student’s death

# FERPA applies to what?



To any “education records” – information **recorded** in any way, including but not limited to handwriting, print or any media

To records that contain “personally identifiable information” about the student: name, address, ID numbers, or a “list of personal characteristics”

To records you might not think are education records

# Education records:



Obviously include transcripts, grade reports, exams, assignments...

And also:

Disciplinary records

Photographs

Learning Management System use

Advising records and notes

Email messages to and from or about students

Enrollment (registration) records

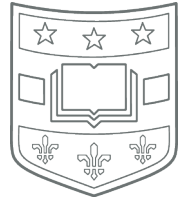
NCAA records

ID Card swipe activity

*Pretty much everything a University records and maintains, anywhere!*



# FERPA doesn't apply to:



## Things not recorded

“Sole possession” records – my personal notes stored where only I have access (i.e. a desk drawer)

Admission/application records, unless they are retained after matriculation

Law enforcement records if they remain only in law enforcement control

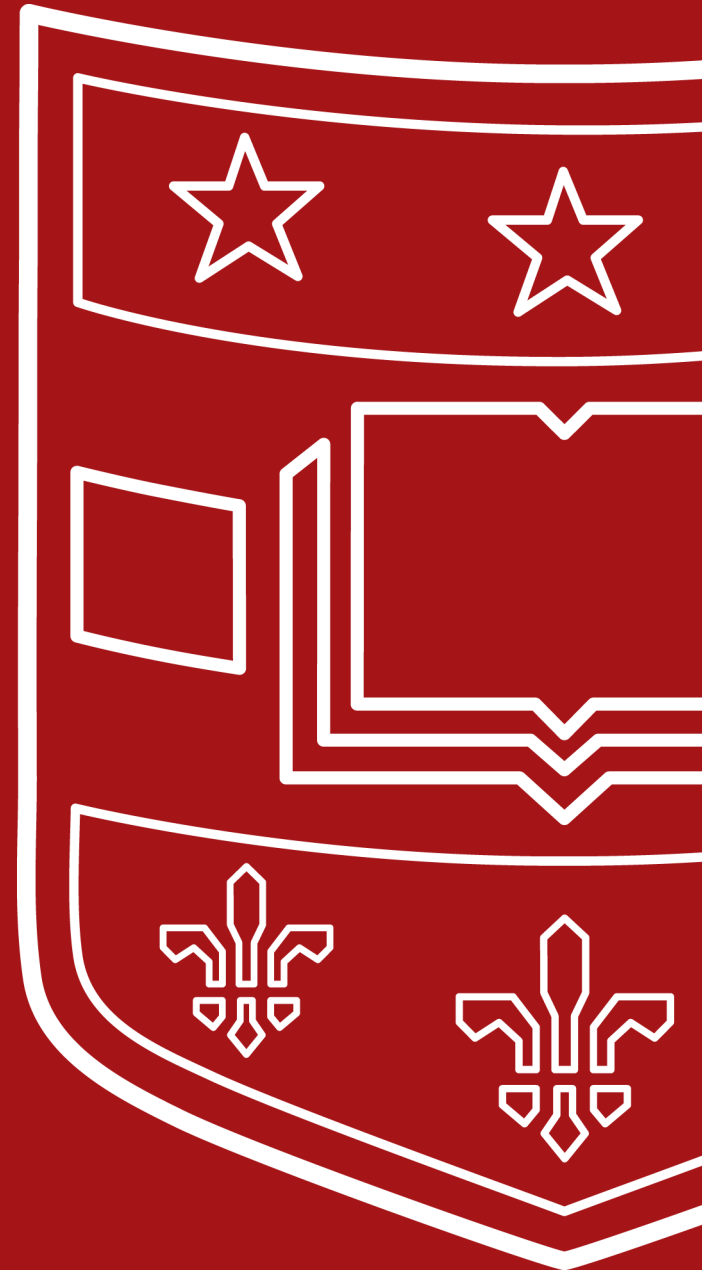
Employment records, unless student status is a job requirement (as in Federal Work Study)

Medical records (notes or treatment records from Habib)

Alumni records

# FERPA

What are the exceptions that allow or require an institution to release information?



# When may WashU release student info?



Education officials for audit and evaluation purposes; accrediting organizations

Organizations conducting studies or services for or on behalf of an institution (attorney, collection agent, software vendor)

To comply with a judicial order or lawfully issued subpoena

In case of health or safety emergencies

Parents of a “dependent” student as verified by IRS documentation

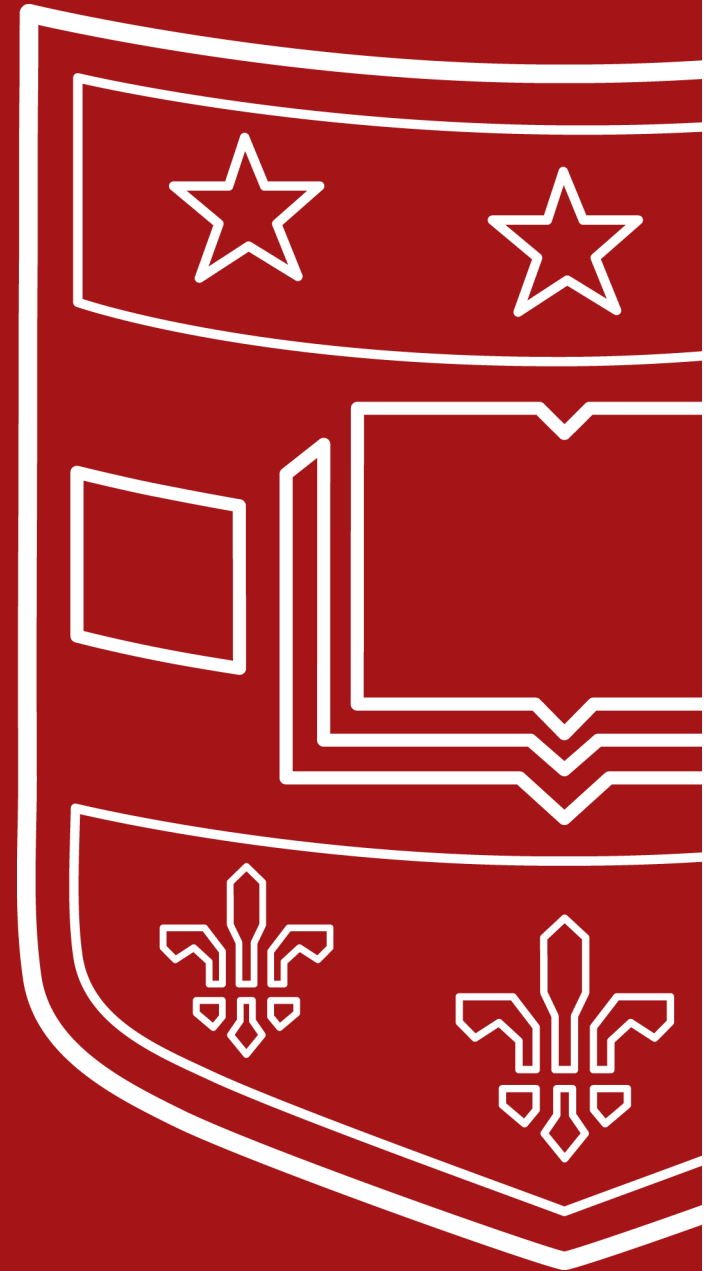
# School Officials with a Legitimate Educational Interest



- **School Officials** are employed by WashU in an administrative, supervisory, academic, research or support staff position
- **A person acting on WashU's behalf** or as its agent (attorney, auditor, collection agent, or software vendor)
- **Legitimate educational interest** in that they perform a job or contracted task for which they must use the record/data; acts in the student's educational interest, with directly identifiable educational relationship with the student(s) involved, for an educationally related purpose
- **For staff with system access** – this last definition is particularly relevant; data mishandling most often occurs when data is accessed for curiosity or out of a personal relationship or interest in specific education records

# FERPA

Washington University's Policy



# Institutional Policy & Practice



- Provides an institutional playbook to notify students how we behave and to guide administrative actions, particularly critical in decentralized institutions and in stressful situations
- University registrars are typically responsible for maintaining the FERPA policy, educating the institutional community and encouraging/ensuring compliance, in partnership with the Office of General Counsel
- Defines institutional response where FERPA allows rather than requires information release or restriction, e.g. lists of email addresses for internal use, after the death of a student or for parents
- Ideally is paired with record retention policies such that regardless of what school or division maintains records for students, the response to a request for records would be the same across units; retention policies also encourage destruction of records that should not be retained permanently

# Washington University's FERPA Policy



- Full name
- Home & local address
- Telephone numbers
- Email address
- Photo/video image
- Academic division & field of study
- Dates of attendance
- Previous schools attended
- Graduation dates and degrees earned at WashU
- Class year
- Academic awards/honors
- Participation in intercollegiate athletics
- Height and weight (NCAA Division III athletes only)

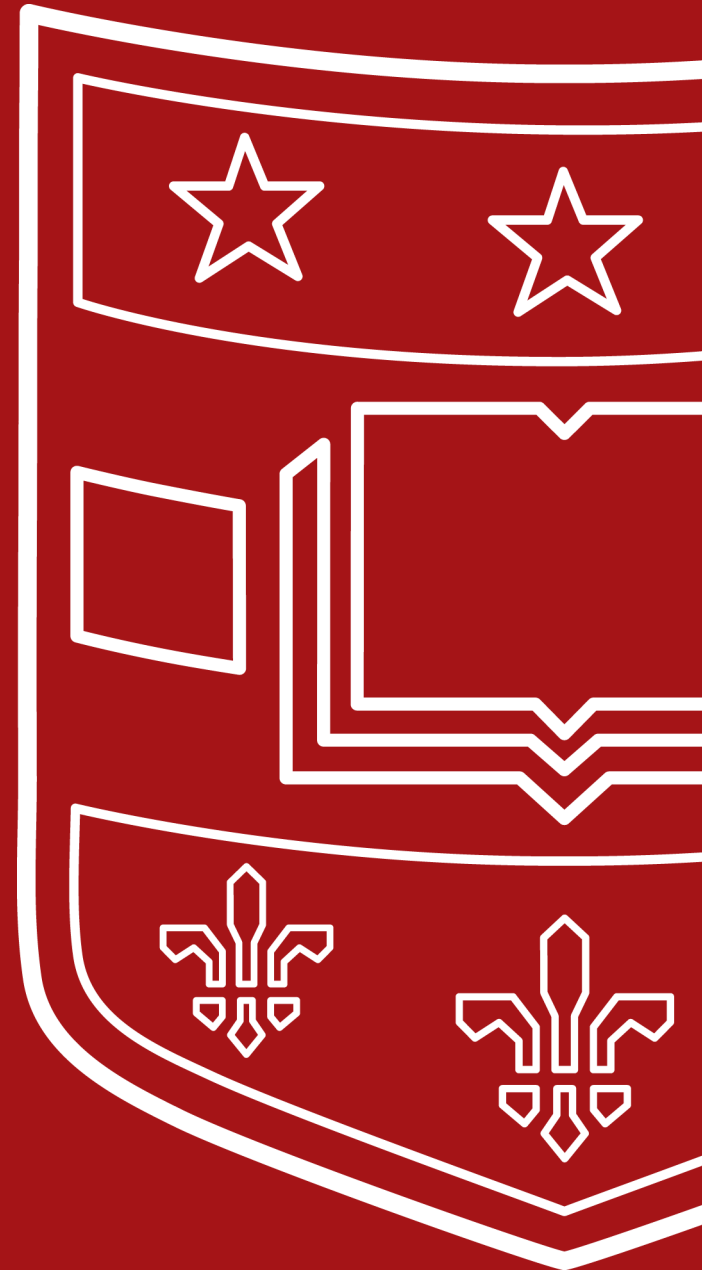
[FERPA & Privacy | Office of  
the University Registrar |  
Washington University in St.  
Louis \(wustl.edu\)](#)

Keri Disch

University Registrar

[Keri.disch@wustl.edu](mailto:Keri.disch@wustl.edu)

314-935-5567





FERPA is designed to protect the privacy of student records. WashU employees and contractors who have access to records are legally responsible for:

- ✓ Knowledge of FERPA
- ✓ Protecting students' rights under FERPA
- ✓ Appropriately accessing student education records

